

## MAYOR OF THE DISTRICT OF COLUMBIA

## NOTICE OF FINAL RULEMAKING

The Mayor of the District of Columbia, pursuant to the authority set forth in Section 202(a) of the District of Columbia Procurement Practices Act, effective February 21, 1986, D.C. Law 6-85, D.C. Code §1-1182-2(a), hereby gives notice of the adoption of the following final rules, which amend Chapter 13 of Title 27 of the District of Columbia Municipal Regulations (Contracts and Procurements). The rules were approved as emergency and proposed rules on February 1, 2000, and emergency action was again taken on May 25, 2000, at 47 DCR 4703. No substantive changes have been made to the text of the proposed rules, as published in the Notice of Emergency and Proposed Rulemaking in the *D.C. Register* on February 11, 2000, at 47 DCR 909.

The Council of the District of Columbia approved these rules on September 14, 2000, by Resolution No.13-833, pursuant to Section 205(a) of the Procurement Practices Act (D.C. Code §1-1182(5)(a)).

## CHAPTER 13 PUBLICIZING CONTRACT ACTIONS

*Sections 1300.1 through 1300.9, 1301.1 and 1399.1 are amended to read as follows:*

**1300 NOTICE OF PROPOSED SOLICITATIONS**

- 1300.1 An agency shall give public notice of a solicitation in accordance with 303 and 304 of the D.C. Procurement Practices Act of 1985 (the "Act"), effective February 21, 1986 (D.C. Law 6-85, D.C. Code §§ 1-1183.3 and 1-1183.4), as amended by the Procurement Practices Bid Notice Period Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-243).
- 1300.2 The Contracting Officer shall publish each proposed solicitation for proposed contracts with an estimated price over twenty-five thousand dollars (\$25,000) in accordance with §§ 303 and 304 of the Act, except as provided in §1300.7.
- 1300.3 The solicitation shall be advertised for at least thirty (3) days before the date set forth for the receipt of bids or proposals, unless the Chief Procurement Officer determines that it is appropriate to shorten the notice period. A shortened notice period may be used under appropriate circumstances, as follows:

(a) A notice period shortened to not less than seven (7) days may be used to procure commercially-available "off-the-shelf" items, as defined in § 1399;

(b) A notice period shortened to not less than fifteen (15) days may be used to procure standard commercial services, as defined in § 1399.

1300.4 Notwithstanding the provisions of § 1300.3, for procurement of other, non-commercial goods and services, the Chief Procurement Officer may shorten the notice periods to not less than seven (7) days for goods and fifteen (15) days for services when this is determined to be appropriate considering the complexity of the procurement, the type of goods or services being purchased, the impact of a shortened notice period on competition, and other relevant factors.

1300.5 A determination by the Chief Procurement Officer to shorten the notice period for a solicitation may be made before or after a longer notice period is planned or established through advertisement of the solicitation; provided, however, that there is a minimum notice period of seven (7) days.

1300.6 The advertisement for a solicitation shall appear at least once in a newspaper of general circulation and any trade publications considered appropriate by the Chief Procurement Officer as long as the appearance occurs in accordance with §§ 1300.3 or 1300.4. However, the contracting officer may place additional advertisements when it is in the best interests of the District of Columbia.

1300.7 In addition to notice pursuant to § 1300.2, the Chief Procurement Officer shall maintain an Internet site that provides for advertisement of solicitations. Contracting officers shall submit solicitation information for advertisement on the Internet for all solicitations governed by § 1300.2

1300.8 The contracting officer may provide additional advertisement of solicitations in the following manner:

- (a) Displaying a copy or summary of each solicitation on bulletin boards in the contracting office and other public places;
- (b) Mailing a copy of the solicitation to all prospective bidders or offerors on the bidders or offerors mailing lists; and
- (c) Sending copies of notices or summaries of solicitations to organizations that maintain, without charge to the public or

subscribers, display rooms for the benefit of prospective bidders, subcontractors, and material suppliers.

1300.9 The requirements for advertisement of solicitations set forth in this section shall not apply to any of the following:

- (a) Sole source procurements under chapter 17 of this title;
- (b) Emergency procurements under chapter 17 of this title;
- (c) Small purchases under chapter 18 of this title; or
- (d) Procurement of architect-engineering services, medical and human care services, or real property appraisal services.

## 1301 NOTICE OF CONTRACT AWARDS

1301.1 Notice of awards of contracts for twenty-five thousand dollars (\$25,000) and above shall be published on the Internet site maintained in accordance with § 1300.7, within a reasonable period of time after the contracts are awarded.

## 1399 DEFINITIONS

1399.1 When used in this chapter, the following terms and phases shall have the meanings ascribed:

**Commercially-available "off-the-shelf" items** – Items produced and placed in stock by a contractor, or stocked by a distributor, before receiving orders or contracts for their sale, including items for commercial order or produced to government specification or description.

**Standard commercial services** – Installation, maintenance, repair, training or other services necessary for proper use of commercially-available "off-the-shelf" items; services offered to both the general public and the government under similar terms and conditions; or services of a type offered and sold competitively in substantial quantities in the commercial marketplace for specific tasks performed under standard commercial terms and conditions.